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May 18, 2022

**VIA E-FILE AND EMAIL**

Hon. Judge Wilhelmina Wright  
United States District Court  
316 N. Robert Street  
St. Paul, MN 55101  
Email: Wright\_chambers@mnd.uscourts.gov

Re: *Smartmatic USA Corp., et al. v. Michael J. Lindell, et al.*, Case No. 22-cv-98

Dear Judge Wright,

Plaintiffs hereby provide the Court notice of two pertinent decisions issued since they filed their opposition to defendants' motions to dismiss on April 11, 2022. The first decision is *Coomer v. Donald J. Trump for President, Inc.*, No. 2020-cv-034319 (Colo. Dist. Ct. May 13, 2022) (**Exhibit A**). In *Coomer*, where plaintiff alleges that defendants falsely reported that he rigged the 2020 U.S. election, the court determined that plaintiff established a reasonable likelihood of success on his claim that a political commentator defamed him with actual malice because, among other reasons, "[she] had reason to question the reliability" of her source, Joseph Oltmann, and she "disregarded credible sources of information" that showed "there was no evidence of widespread fraud." (Ex. A ¶ 174.)

The second decision is *US Dominion, Inc., et al. v. Patrick Byrne*, No. 21-cv-02131 (D.D.C. Apr. 20, 2022) (**Exhibit B**). In *US Dominion*, the court ruled that plaintiff adequately alleged defendant defamed it with actual malice when he accused it of rigging the 2020 U.S. election because his statements were so "inherently improbable that only a reckless man would believe them." (Ex. B at 11 (internal quotation marks omitted).)

Respectfully submitted,

BENESCH, FRIEDLANDER,  
COPLAN & ARONOFF LLP

A handwritten signature in black ink that reads 'Michael Bloom'.

Michael Bloom

*Counsel for Plaintiffs*